

Court  
copy

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA

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Mark Shannon Wheeler 139044

Full name and prison number  
of plaintiff(s)

v.

Bill Segrest, et al official and

Individual  
Capacity

CIVIL ACTION NO. 2:06 CV 274-T  
(To be supplied by Clerk of  
U.S. District Court)

Motion/Complaint  
and Brief

Name of person(s) who violated  
your constitutional rights.  
(List the names of all the  
persons.)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES (☒) NO ( )
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES (☒) NO ( )
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) MARK Shannon Wheeler 139044

Defendant(s) Bill Segrest et al

2. Court (if federal court, name the district; if state court, name the county) Montgomery Co. AL

3. Docket number CV-2005-1307
4. Name of judge to whom case was assigned William Shashy
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) Dismissed w/Prejudice
6. Approximate date of filing lawsuit 2005 May
7. Approximate date of disposition 2005

II. PLACE OF PRESENT CONFINEMENT Kilby Corr. Fac.

PLACE OF INSTITUTION WHERE INCIDENT OCCURRED Kilby Corr. Fac.

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME	ADDRESS
1. <u>Bill Segrest et al</u>	<u>STATE OF ALABAMA Board of</u>
2. _____	<u>PARDONS and Paroles</u>
3. _____	<u>301 South Ripley St.</u>
4. _____	<u>Montgomery, AL. 36130-2405</u>
5. _____	_____
6. _____	_____

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED July 14<sup>th</sup>-2005

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: 14<sup>th</sup> Amend. U.S. Const. "Equal Protection".  
8<sup>th</sup> Amend, Cruel and unusual Punishment' U.S. Const.

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

Ground  
#1

I have been incarcerated since Aug. 17<sup>th</sup>-1993. I was given a 10 year Guideline Setting Parole date, which was in 1994 set up for, September 2003. The Parole Board Executive Director Bill Segrest "Approved" a 5 year (reset) on July 14<sup>th</sup>-2005. After I was made 22 months "Late" for my "supposed"

~~GROUND TWO:~~ Equal Consideration date of Sept. 2003 it did not occur (my hearing) until July 13<sup>th</sup>-2005. That is 6 years

~~SUPPORTING FACTS:~~ and 10 months. The Caps is a 5 year set off. My Equal Protection Rights have been violated because my set up for Sept. 2003 must be tabulated as it was granted for my guideline set-up - many years ago. The Parole Board made me late, but my "Pre"-tabulated guideline setting date must be calculated, or that would be cruel and

~~GROUND THREE:~~ (very unusual) punishment 8<sup>th</sup> Amend. U.S. Const. violation. Sept. 2003 to July 2010 is 6 years and 10 months!

~~SUPPORTING FACTS:~~ The said Board has a 5 year maximum Cap. It is their Rules, I did not make them. Bill Segrest et al was negligent, and did not tabulate my Pre Set Sept. 2003 date. He only Recognized July 13<sup>th</sup>-2005, the day I was reviewed and Denied, not when I was supposed to

be reviewed. The said Board has been slack contacting suppose victims when all violent cases are, and have been behind and we have been neglected! For Bill Segrest et al not to tabulate my given date of Sept. 2003, denies my Equal Protection. See Exhibits A, B, C. My 14<sup>th</sup> Amendment "Equal Protection", and 8<sup>th</sup> Amendment "right to be free from cruel and unusual punishment", of the U.S. Constitution

have been violated by Defendant. This said Court has Jurisdiction as Plaintiff Wheeler is a resident of Montgomery County Alabama where offense OCCURED. Defendant Segrest is gainfully employed here where he violated Plaintiff's said 8<sup>th</sup> and 14<sup>th</sup> Amend. U.S. Const. (In Compliance with Rule 9 F.R.C.P.)

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.  
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

Demanded  
Relief  
Sought.

To Grant Plaintiff that an Injunction be mandated for Bill  
Segrestetal to Re-tabulate All Parole Consideration dates to  
those with violent Cases Whom were made late for their  
Pre set guideline setting dates, so as the maximum duration does  
not exceed 5 years, in compliance with Parole Board Rules.  
Plaintiff Wheeler seeks a speedy  
hearing for Declaratory Judgment. MSH  
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true  
and correct.

EXECUTED on 3-24-2006  
(Date)

MSH  
Signature of plaintiff(s)